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AF/18

PATENT
Customer No. 22,852
Attorney Docket No. 5552.0953-04

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Mathias FIBI et al.) Group Art Unit: 1642
Application No.: 08/897,441) Examiner: K. Canella
Filed: July 21, 1997) Confirmation No.: 4501
For: *Erythropoietin (EPO) Peptides and*)
Antibodies Directed Against These)

DEC 13 2004

TECH CENTER 1600/2990

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Sir:

Applicant hereby appeals to the Board of Appeals from the Examiner's decision dated June 8, 2004.

The items checked below are appropriate:

1. ☒ A Petition for extension of time to respond to the final rejection was filed on December 6, 2004, extending the period for response to December 8, 2004.
2. ☐ A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. ☒ The Appeal Fee of \$340.00 (or \$170.00 if by small entity)
☒ is enclosed or ☐ is to be charged to Deposit Account No. 06-0916
4. ☒ A check for \$340.00 to cover the above fee is enclosed.

12/09/2004 JBALINAN 00000037 060916 08897441

01 FC:1401 160.00 DA 340.00 DP

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 8, 2004

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
Customer No. 22,852